

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 15-CR-4268 JB

vs.

ARTURO ARNULFO GARCIA  
ANTHONY RAY BACA,

Defendant.

**DEFENDANT ARTURO ARNULFO GARCIA AND DEFENDANT ANTHONY RAY  
BACA'S UNOPPOSED MOTION TO CONTINUE MAY 9, 2019 SENTENCING  
HEARING**

The Defendant Arturo Arnulfo Garcia, by and through his attorneys Billy R. Blackburn and Scott Davidson, and the Defendant Anthony Ray Baca by and through his attorneys Theresa Duncan and Marc Lowery, with the concurrence of Assistant United States Attorneys Randy M Castellano and Maria Armijo, and respectfully requests this Court to vacate the sentencing hearings currently scheduled for May 9, 2019. As grounds in support thereof, the Defendant states as follows:

1. On December 1, 2015, an Indictment was returned charging Defendant Arturo Arnulfo Garcia with 18:1959(A)(1): Violent Crimes In Aid Of Racketeering (Murder). Defendant Anthony Ray Baca was charged with 18 U.S.C § 1959 (a)(5) Violent Crimes In Aid Of Racketeering (Murder); 18 U.S.C §§ 1959 (a)(1) and 2 Violent Crimes In Aid Of Racketeering (Murder); 18 U.S.C § 1959 (a)(6) Violent Crimes In Aid Of Racketeering (Conspiracy To Commit Assault Resulting In Serious Bodily Injury); 18 U.S.C § 1959 (a)(5) Violent Crimes In Aid Of Racketeering (Murder); 18 U.S.C § 1959

(a)(5 Violent Crimes In Aid Of Racketeering (Murder) (Doc. 2).

2. On April 21, 2016, a Superseding Indictment was returned against Defendant Arturo Arnulfo Garcia charging 18:1959(a)(1): Violent Crimes In Aid Of Racketeering (Murder); 18:2 Aiding And Abetting. Defendant Anthony Ray Baca was charged with 18 U.S.C § 1959 (a)(5) Violent Crimes In Aid Of Racketeering (Murder); 18 U.S.C §§ 1959 (a)(1) and 2 Violent Crimes In Aid Of Racketeering (Murder); 18 U.S.C § 1959 (a)(6) Violent Crimes In Aid Of Racketeering (Conspiracy To Commit Assault Resulting In Serious Bodily Injury); 18 U.S.C § 1959 (a)(5) Violent Crimes In Aid Of Racketeering (Murder); 18 U.S.C § 1959 (a)(5 Violent Crimes In Aid Of Racketeering (Murder) (Doc. 368).

3. On March 9, 2017, a Second Superseding Indictment was returned against Defendant Arturo Arnulfo Garcia charging 18:1959(a)(1): Violent Crimes In Aid Of Racketeering (Murder); 18:2 Aiding And Abetting. Defendant Anthony Ray Baca was charged with 18 U.S.C § 1959 (a)(5) Violent Crimes In Aid Of Racketeering (Murder); 18 U.S.C §§ 1959 (a)(1) and 2 Violent Crimes In Aid Of Racketeering (Murder); 18 U.S.C § 1959 (a)(6) Violent Crimes In Aid Of Racketeering (Conspiracy To Commit Assault Resulting In Serious Bodily Injury); 18 U.S.C § 1959 (a)(5) Violent Crimes In Aid Of Racketeering (Murder); 18 U.S.C § 1959 (a)(5 Violent Crimes In Aid Of Racketeering (Murder) (Doc. 949).

4. On May 25, 2018, the Defendant Arturo Arnulfo Garcia, was found guilty by jury of count 3 of the Second Superseding Indictment (Doc. 2332).

5. On March 12, 2018, the Defendant Anthony Ray Baca, was found guilty

by jury of count 6 and 7 of the Second Superseding Indictment (Doc. 1937)

6. Counsel for Defendant Arturo Arnulfo Garcia requires more time to review the Defendant's Pre-Sentence Report, file objections, and prepare for Sentencing. In addition, counsel for Defendant Arturo Arnulfo Garcia, Billy R. Blackburn will be unavailable and out of state on May 9, 2019. Co-counsel Scott M. Davidson has a previously scheduled evidentiary hearing in the Thirteenth Judicial District Court.

7. Counsel for Defendant Anthony Ray Baca recently received the Defendant's Pre-Sentence Report on Wednesday, May 1, 2019. Counsel for Defendant will require more time to review the report, file objections, and prepare for sentencing.

8. Assistant United States Attorneys Randy M Castellano and Maria Armijo have been contacted concerning this Motion and have indicated the Government has no objection and concurs to the relief requested herein. All other Defendants do not object to this motion. Counsel also contacted the US Probation office and they take no position in regards to this motion.

WHEREFORE, for the above stated reasons, the Defendants Arturo Arnulfo Garcia and Anthony Ray Baca, respectfully requests this Court vacate and continue the sentencing hearing currently scheduled for May 9, 2019.

Respectfully submitted,

Electronically filed 05/03/2019

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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed, via the Court's CM/ECF system, the foregoing pleading, thereby making electronic service upon counsel of record herein, upon this 3rd day of May, 2019.

By: Electronically filed 05/03/2019  
BILLY R. BLACKBURN